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Dated: February 9, 2010

Electronic Signature for Todd W. Wight: /Todd W. Wight/

Docket No.: 101671.0007P

PATENT
EFS WEB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:
Jurgen DORN

Application No.: 10/552,886

Confirmation No.: 4465

Filed: November 18, 2005

Art Unit: 3734

For: LOADING AND DELIVERY OF SELF-
EXPANDING STENTS

Examiner: Eric D. Blatt

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REPLY BRIEF

This is a Reply Brief filed under 37 CFR § 41.41 in response to the Examiner's Answer, mailed December 9, 2009 in the above-referenced application. An optional reply is due February 9, 2010. Accordingly, this brief is timely filed. Appellant addresses points raised by the Examiner and continues to rely on its arguments in the Appeal Brief.

I. STATUS OF CLAIMS

The Examiner agreed that the statement of the status of the claims contained in the brief is correct and that claims 1-32 are pending, finally rejected, and on appeal in this application.

The Examiner agreed that the status of amendments after final rejection contained in the brief is correct and that there were no amendments made subsequent to final rejection and that all previous amendments have been entered and acted upon.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether Claims 1-19 and 21-32 are unpatentable under 35 U.S.C. § 103 in view of Sullivan?
- B. Whether Claim 20 is unpatentable under 35 U.S.C. § 103 over Sullivan in view of Grosjean?

III. RESPONSE TO EXAMINER’S ARGUMENTS

A. Rejection of Claims 1-19 and 21-32 under 35 U.S.C. § 103 in view of Sullivan

1. Independent Claim 28, and Dependent Claims 29-32 Depending Therefrom

Contrary to the assertion in the Office Action and despite the general definition in the background section, Sullivan shows and describes a stabilizer with protrusions that contact members of the stent framework, as opposed to deforming a covering material or layer, as claimed. *See*, Appeal Brief, § VII.A.1.

In response to Appellant’s arguments, the Examiner again relies on the definition of “stent” in the background, and uses the disclosure of a retention means comprising protrusions that engage stents to show that “an embodiment wherein protuberances 38 are in frictional engagement with the inner periphery of a covered stent is within the scope of the Sullivan disclosure.” (Examiner’s Answer, p. 8.)

However, the embodiment relied upon by the Examiner clearly illustrates that a covered stent was not intended to be within the scope of the disclosure. Specifically, the Sullivan passage quoted requires that the stabilizer, and not the stent, “comprises a surface element underlying stent . . . along [a] low-column-strength segment 18 and adapted for such engagement of the stent inner periphery,” for example “a high friction surface, such as covering 138.” (Sullivan, col. 5:63-col. 1:1.) “Engaging” “is defined as imparting a longitudinal force thereto” to prevent “the accordion-like collapse of the stent, or individual longitudinal sections thereof.” (Sullivan, col. 5:48-55.)

Thus, if the stent of Sullivan were a covered stent as the Examiner suggests, then the covering of the stent would contact the stabilizer covering. During implantation, this surface-to-

surface contact would not prevent the accordion-like collapse of the stent, as there would be no support to the stent structure. Sullivan specifically identifies a prior art pusher making contact with a stent proximal end. Sullivan states that “low-column-strength stents or stent sections are easily deformed in a longitudinal direction, and thus longitudinal force is not transmitted along the length of the stent. This inability to transmit longitudinal force may result in such stents collapsing in an accordion fashion as the sheath is retracted or as the stent is ejected by movement of the stabilizer.” (Sullivan, col. 2:20-28, emphasis added.) Sullivan further identifies a prior art “stabilizer having an inner core that underlies a compressed stent within a sheath.” (Sullivan, col. 2:40-43.) Sullivan distinguishes these stabilizers as insufficient to transmit the longitudinal forces along the length of a low-column-strength stent.

Thus, the covering-to-covering contact of the stent to the stabilizer as asserted by the Examiner would not transmit the longitudinal force intended by the Sullivan stabilizer. The Sullivan disclosure: “adapted to engage the stent inner periphery,” requires actual contact with the stent framework in order to transmit the longitudinal forces required to prevent the accordion-like collapse of low-column-strength stent segments. Accordingly, Sullivan does not show or describe a stent including a covering positioned on a luminal wall surface thereof, and an inner catheter including radially outwardly extending protrusions that extend into the covering.

Accordingly, in view of the above and the arguments presented in Appellant’s Appeal Brief, Sullivan does not establish a *prima facie* case of obviousness at least because Sullivan does not teach or suggest all of the limitations of independent claim 28. Therefore, Appellant submits that claims 28-32 are patentable over Sullivan.

2. Independent Claims 1 and 3, and Dependent Claims 4, 6, 8-9, and 21-22
Depending Therefrom

As already shown in Section III.A.1, above, contrary to the assertion of the Examiner and despite the general definition in the background section, Sullivan shows and describes a stabilizer with protrusions that contact members of the stent framework, as opposed to deforming a covering material or layer, as claimed. However, even assuming *arguendo* that Sullivan does disclose a stent with a covering deformed by protrusions of a pusher, there is no hint or suggestion that the protrusions deform the covering without extending into the luminal envelope of the stent matrix as required by independent claims 1 and 3.

In response to Appellant's arguments, the Examiner asserts that Sullivan discusses compressing a stent onto the retention portion of many embodiments of the delivery apparatus. The Examiner then asserts that upon compression onto the retention portion, the protrusions will deform into the inner covering layer to at least some degree. The extent to which the protrusions deform into this layer is a function of the size and shape of the protrusions, the material used for the covering layer, and the force used to compress the stent. The Examiner continues to assert that it would have been obvious to one of ordinary skill in the art to size the protrusions such that they do not extend entirely through the inner covering layer. (Examiner's Answer, pp. 8-9.) However, this proposed modification by the Examiner is against the teachings of Sullivan, and is thus impermissible.

The Examiner admits that "Sullivan does not speak directly to the issue of compressing the stent radially inwardly such that the protrusions deform the covering material but do not reach radially outwardly as far as the luminal envelope." (Examiner's Answer, p. 3.) In fact, each embodiment described by Sullivan requires penetrating the luminal envelope. Moreover,

Sullivan teaches away from the asserted modification as it would result in the accordion-like collapse of the low-column-strength stent, as suggested by the Sullivan background, in direct contradiction to the purpose of the Sullivan stabilizer. Regarding the propriety of combining references, the MPEP clearly states that it “is improper to combine references where the references teach away from their combination” (MPEP § 2145, p. 2100-168, Eighth Edition, Rev. 6, Sept. 2007), and cautions against modifying references when the proposed modification would render the modified reference unsatisfactory for its intended purpose (MPEP § 2143.01, p. 2100-140, Eighth Edition, Rev. 6, Sept. 2007).

The references to the Sullivan disclosure relied on by the Examiner concerning compressing the stent onto the stabilizer require that the protrusions extend into the stent framework. For instance, the first example (citation, Sullivan col. 3:10-15) requires that after compression of the stent onto the stabilizer, the “stabilizer is disposed within the stent interior space and has at least one surface element adapted to engage the stent inner periphery in a region containing the low-column-strength segment.” (Sullivan, col. 3:15-18.) In describing this embodiment within the detailed description, the protrusions project through the open spaces between peripheral elements of the stent. (*See*, Sullivan, col. 8:23-28, 11:1-5, 11:19-20.)

The next example (citation, Sullivan col. 3:59-67) requires that the stent be compressed onto a heat-moldable portion such that the outer surface of the heat-moldable portion is imprinted with an uneven topography conforming to the stent inner periphery. (Sullivan, col. 3:61-67.) The final example (citation, Sullivan col. 4:3-8), similar to the previous example, results in an outer surface of the stabilizer with an uneven topography conforming to the stent inner periphery. (Sullivan, col. 4:8-10.) In these cases, the outside surface of the stabilizer

would not be imprinted with an uneven topography unless the heat-moldable portion or the injection-molded sleeve penetrate the stent framework.

Moreover, Sullivan teaches away from the asserted modification as it would result in the accordion-like collapse of the low-column-strength stent, as suggested by the Sullivan background, in direct contradiction to the purpose of the Sullivan stabilizer. The term “engaging,” used by Sullivan to describe the stabilizer-to-stent contact, is defined as “imparting a longitudinal force thereto” to prevent “the accordion-like collapse of the stent, or individual longitudinal sections thereof.” (Sullivan, col. 5, ll. 48-55). In distinguishing the prior art, Sullivan states that a stent with a low-column-strength section is easily deformed, and thus does not transmit longitudinal forces along the length of the stent when the sheath is retracted or as the stent is ejected by movement of the stabilizer. (Sullivan, col. 2:20-28.) One prior art stabilizer described by Sullivan “[has] an inner core that underlies a compressed stent within a sheath.” (Sullivan, col. 2:40-54.) Sullivan then states that there still “remains a need, therefore, for a means to facilitate deployment of endoluminal stents with relatively low column strength.” (Sullivan, col. 2:55-60.) Thus, Sullivan does not find a mere surface-to-surface engagement sufficient to “engage” the stent. Any modification to remove the stabilizer from direct contact with the stent as used in each of the Sullivan stabilizers would thus result in a stabilizer insufficient for the purpose of Sullivan to facilitate deployment of endoluminal stents with relatively low column strength.

Accordingly, in view of the above and the arguments presented in Appellant’s Appeal Brief, Sullivan does not establish a *prima facie* case of obviousness at least because Sullivan does not teach or suggest all of the limitations of the independent claims, and because the Sullivan stabilizer cannot properly be modified to overcome its deficiencies in view of the

Sullivan disclosure. Therefore, Appellant submits that claims 1-9 and 20-22 are patentable over Sullivan.

3. Claim 2

Claim 2, depending from independent claim 1, recites, *inter alia*, “arranging the protrusions helically, so that the stent pusher can be withdrawn from the lumen of the stent, inside the sheath, by unscrewing the stent pusher relative to the stent lumen.”

In response to Appellant’s arguments, the Examiner asserts that Sullivan discloses that the protrusions comprise a series of helically arranged locking rings, and that the stent would be capable of being removed from the retention portion by unscrewing the stent. However, in fact, Sullivan discloses locking rings 56 having “the shape of a tubular ring crimped adjacent surface 42 of inner core 32 to produce protrusions 58.” (Sullivan, col. 10:45-48.) “[A] series of locking rings may be aligned in a helical or other pattern (not shown) along inner core 32 so that the locking ring protrusions [58] are pointed in more than one orientation.” (Sullivan, col. 11:10-13.) The “protrusions 58 penetrate into the open space 57 between elements 19 so that the stent can still rest adjacent inner core 32 without any substantial separation distance added by the rings.” (Sullivan, col. 11:2-5.)

Thus, the Sullivan protrusions on the helical rings actually penetrate the stent and would prevent the stabilizer from being unscrewed relative to the stent lumen. Even assuming *arguendo* that the protrusions did not penetrate into the stent, but merely contacted the stent covering, the stabilizer would still not unscrew from the stent. Instead, the individual protrusions would catch the covering and prevent movement. If the protrusions did not prevent unscrewing, the same protrusions would not prevent longitudinal displacement during deployment thus preventing ejection of the stent.

Accordingly, in view of the above and the arguments presented in the Appeal Brief, Sullivan does not establish a *prima facie* case of obviousness at least because Sullivan does not teach or suggest all of the limitations of dependent claim 2, or independent claim 1 from which claim 2 depends. Therefore, Appellant submits that claim 2 is patentable over Sullivan.

4. Claim 5

The Examiner does not specifically respond to Appellant's argument concerning claim 5, but generally includes claim 5 in response to Appellant's arguments concerning claims 1 and 28. Thus, Appellant reiterates and incorporates the arguments of the Appeal Brief that claim 5 is patentable over Sullivan, and incorporates the arguments presented herein, responding to the Examiner. *See*, Appeal Brief, § VII.A.4.

5. Claim 7

In response to Appellant's arguments that Sullivan does not show or describe protrusions that are turns of a spiral, the Examiner asserts that Sullivan discloses protrusions comprising a series of helically arranged locking rings. The Examiner asserts that helically arranging the locking rings such as those shown in Figure 3A would result in a protrusion that extends helically around the pusher/inner catheter. However, the Examiner appears to have misread the Sullivan disclosure.

The section relied on by the Examiner refers to FIGS. 3J and 3K, in order to describe locking rings 56 having "the shape of a tubular ring crimped adjacent surface 42 of inner core 32 to produce protrusions 58." (Sullivan, col. 10:45-48.) Further, Sullivan describes the use of "any locking rings [as] especially suited for so-called 'low-profile' delivery systems. Low-profile delivery systems are designed to minimize the overall diameter of the introducer."

(Sullivan, col. 10: 58-61.) Sullivan then distinguishes the ring protrusions as shown in FIGS. 3A-3G, including rings 38 and/or 39 that frictionally engage the inner periphery of the stent and add a certain diameter between the inner core 32 and the stent. (Sullivan, col. 10:62-65.) The use of the locking rings 56 does “not add substantial diameter to the core; instead protrusions 58 penetrate into the open space 57 between elements 19 so that the stent can still rest adjacent inner core 32 without any substantial separation distance added by the rings.” (Sullivan, col. 11:1-5.) Thus, the Examiner cannot combine the teachings of the helical locking rings used to orient the protrusions 58 with the protuberance rings 38 as shown in FIG. 3A. Instead, the asserted locking rings are intended as a low profile mechanism to orient the protrusions 58 along the inner core of the stabilizer and are not protuberances to engage the stent. Thus, the asserted locking rings are not “protrusions” as claimed and defined by independent claim 3, from which claim 7 depends.

Accordingly, in view of the above and the arguments presented in the Appeal Brief, Sullivan does not establish a *prima facie* case of obviousness at least because Sullivan does not teach or suggest all of the limitations of dependent claim 7, or independent claim 3 from which claim 7 depends. Therefore, Appellant submits that claim 7 is patentable over Sullivan.

6. Independent Claims 10 and 19, and Dependent Claims 1-14, 16-17, and 23-27 Depending Therefrom

Sullivan fails to show or describe an inner catheter or pusher having protrusions with a stent positioned over the protrusions such that the protrusions do not intersect a plane along the luminal wall surface. Sullivan shows and describes two embodiments for a stabilizer (the alleged inner catheter/pusher). One embodiment is referred to as a frictional engagement where the stabilizer includes a surface covering that deforms to the contour of the stent. (See, Sullivan, col. 6:17-20.) Alternatively, the stabilizer uses a mechanical engagement where protrusions

penetrate the open spaces between the stent structure. (*See*, Sullivan, col. 8:60-62.) Thus, Sullivan fails to show or describe protrusions that do not intersect a plane along the lumen wall surface, as all embodiments of Sullivan require penetration into the stent structure.

The Examiner asserts that Sullivan teaches a retention means compatible with a covered stent, and further that the protrusions may merely be in frictional engagement with the inner periphery of the stent. (Examiner's Answer, p. 4.) In response to Appellant's Arguments, the Examiner notes that Sullivan discusses compressing a stent onto the retention portion of the delivery apparatus, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to size the protrusions such that they do not extend entirely through the inner covering layer to the metal framework. (Examiner's Answer, pp. 8-9.) However, such a modification is against the teachings of Sullivan and would result in a stabilizer unsatisfactory for its intended purpose.

The frictional engagement relied on by the Examiner still requires intersecting a plane along the luminal wall surface. Specifically, Sullivan states: "[p]rotuberances 38 may also be in frictional engagement with the inner periphery of stent 34, as shown in FIG. 2B." (Sullivan, col. 6:3-5.) Referring to FIG. 2B, the "protuberances 38 underlie the low-column-strength segment 18 of the stent 34 in the form of rings of covering 138. These protuberances 38, as shown in FIG. 2B, may comprise ring sections of a silastic sleeve that are affixed to core 32. Such protuberances 38 still have some area of direct contact with sheath 40 as well as still transmit some radial force F indirectly to sheath 40 through stent 34." (Sullivan, col. 7: 28-35.) The covering 138 is described earlier within the Sullivan specification as a "low durometer (soft) or heat-moldable material that deforms to accept stent wire 34 in an indentation of the covering as shown in FIG. 9A." (Sullivan, col. 6:17-20.) Thus, the protuberances are understood to

penetrate the stent luminal wall surface, and even contact the sheath on the outer edge of the stent framework. The Examiner's reliance on the "frictional engagement" as recited by Sullivan is therefore misplaced.

Moreover, Sullivan teaches away from any such modification, as the proposed modification would be unsatisfactory for the intended purpose of Sullivan to facilitate deployment of endoluminal stents with relatively low column strength. (Sullivan, col. 2:59-61.) Sullivan describes prior art stabilizers including a stabilizer having an inner core that underlies a compressed stent within a sheath. (Sullivan, col. 2:40-43.) Sullivan disparages the prior art for failing to transmit longitudinal forces along a low-column-strength stent resulting in the collapse in an accordion fashion as the sheath is retracted or as the stent is ejected by movement of the stabilizer. (Sullivan, col. 2:23-27.) Thus, it is clear that Sullivan requires actual contact and even penetration into the stent framework in order to provide the longitudinal forces necessary to prevent collapse of the low-column-strength stents. Any modification preventing such contact is against the teaching of Sullivan and is therefore impermissible.

Accordingly, in view of the above and the arguments made in the Appeal Brief, Sullivan does not establish a *prima facie* case of obviousness at least because Sullivan does not teach or suggest all of the limitations of the independent claims, and because the Sullivan stabilizer cannot be properly modified to overcome its deficiencies in view of the Sullivan disclosure. Therefore, Appellant submits that claims 10-19 and 23-27 are patentable over Sullivan.

7. Claim 11

The Examiner does not specifically respond to Appellant's argument concerning claim 11, but generally includes claim 11 in response to Appellant's arguments concerning claims 1 and 28. Thus, Appellant reiterates and incorporates the arguments of the Appeal Brief that claim

11 is patentable over Sullivan, and incorporates the arguments presented herein that Sullivan does not show or describe a stent covering. *See*, Appeal Brief, § VII.A.7.

8. Claim 15

Sullivan fails to show or describe a wire arranged helically. In response to Appellant's arguments, the Examiner asserts that Sullivan discloses that the protrusions comprise a series of helically arranged locking rings. (Examiner's Answer, p. 10.) However, the locking rings are not a wire as claimed.

The locking rings 56 of Sullivan have a shape of a tubular ring crimped adjacent surface 42 of inner core 32 as shown in FIGS. 3J and 3K. (Sullivan, col. 10:45-52.) "Locking rings 56 may be formed from such crimped tubes, or from molded extruded rings known in the art, such as splined sleeves." (Sullivan, col. 10:48-50.) As shown, the locking rings are generally a low profile cylindrical shape surrounding the inner core of the stabilizer. In contradistinction, a wire is generally a strand or rod. (*See*, Wire, The Free Dictionary, <http://www.thefreedictionary.com/wire> ("A usually pliable metallic strand or rod made in many lengths and diameters.").) Thus, the asserted locking rings of Sullivan are not a wire as claimed.

Regarding the locking rings 56 of FIGS. 3J and 3K, Sullivan distinguishes the ring protrusions as shown in FIGS. 3A-3G, including rings 38 and/or 39 that frictionally engage the inner periphery of the stent and add a certain diameter between the inner core 32 and the stent. (Sullivan, col. 10:62-65.) The use of the locking rings 56 does "not add substantial diameter to the core; instead protrusions 58 penetrate into the open space 57 between elements 19 so that the stent can still rest adjacent inner core 32 without any substantial separation distance added by the rings." (Sullivan, col. 11:1-5.) Thus, the Examiner cannot combine the teachings of the helical locking rings used to orient the protrusions 58 with the protuberance rings 38 as shown in FIG.

3A. Instead, the asserted locking rings are intended as a low profile mechanism to orient the protrusions 58 along the inner core of the stabilizer and are not protuberances to engage the stent. Thus, the asserted locking rings are not wires as recited by claim 15, nor “protrusions” as recited in independent claim 10, from which claim 15 depends.

Accordingly, in view of the above and the arguments made in the Appeal Brief, Sullivan does not establish a *prima facie* case of obviousness at least because Sullivan does not teach or suggest all of the limitations of the independent claims, and because the Sullivan stabilizer cannot be properly modified to overcome its deficiencies in view of the Sullivan disclosure. Therefore, Appellant submits that 15 is patentable over Sullivan.

B. Rejection of Claim 20 under 35 U.S.C. § 103 over Sullivan in view of Grosjean

Appellant submits that the asserted combination is insufficient to establish a *prima facie* case of obviousness of claim 20. First, there is no reason for one of ordinary skill in the art to combine Sullivan and Grosjean as Sullivan is directed to stent delivery device, while Grosjean is directed to the non-analogous art of manufacturing a corrugated metal pipe. Second, even assuming *arguendo* that pipe manufacturing was analogous art to stent delivery devices, Sullivan clearly teaches away from moving the stabilizer relative to the stent, such that the proposed modification is improper.

In response to Appellant’s arguments, the Examiner states that Grosjean is relied upon solely for its teaching that where a cylindrical body is retained over helical protrusions on a second body, one may unscrew said bodies relative to one another. The Examiner then asserts that this teaching is applicable in the Sullivan system. (Examiner’s Answer, p. 10.) However,

the Examiner has not addressed the issue of whether these references are properly combinable by merely limiting the relied upon disclosure of Grosjean to a single teaching.

With respect to the Grosjean reference, Appellant submits that it is non-analogous art and therefore unsuitable for a rejection of the pending claims under 35 U.S.C. § 103. According to the two-part test employed by the Federal Circuit (*see, e.g., In re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992), *In re ICON Health and Fitness Inc.*, 83 USPQ2d 1746 (Fed. Cir. 2007), etc.), in order to be an analogous reference, the reference must either be in the field of the applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. Relying on the Grosjean reference for a limited teaching does not put the reference in the field of the applicant's endeavor or make it reasonably pertinent to the particular problem with which the inventor was concerned. First, Grosjean is directed to a different field of endeavor, namely the manufacturing of corrugated metal pipe (vs. stent delivery devices). Second, the teaching relied on by the Examiner, unscrewing one body from another, is not reasonably pertinent to the particular problem with which Sullivan was concerned. In fact, Sullivan attempts to *prevent* relative movement between the stent and the stabilizer. Thus, the combination of Sullivan and Grosjean is improper at least because Grosjean is non-analogous art.

"The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference. . . . Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981); MPEP § 2145, III. A "prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." MPEP § 2141.02, p. 2100-126, Eighth Edition, Rev. 6, Sept. 2007. Distilling an invention down to the "gist" or "thrust" of an invention

disregards the requirement of analyzing the subject matter "as a whole." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). MPEP 2141.01(a) II.

Moreover, the Examiner does not address Appellant's arguments that the resulting modification is improper as Sullivan teaches away from moving the stabilizer relative to the stent. The Examiner instead merely states that it would have been obvious to one of ordinary skill in the art at the time of the invention to unscrew the stent relative to the stabilizer as taught by Grosjean in order to remove the stent from the stabilizer. Thus, Appellant reiterates the arguments from the Appeal Brief that the resulting modification is improper in light of the teachings of Sullivan. Moreover, as each embodiment of Sullivan includes protrusions or surfaces that penetrate the stent structure, as described above, even assuming *arguendo* that Sullivan does disclose a helical protrusion, the protrusion would engage the stent framework and thus prevent unscrewing.

Therefore, in view of the above, the proposed combination of Sullivan and Grosjean does not establish a *prima facie* case of obviousness. Accordingly, Appellant submits that claim 20 is patentable over the Sullivan/Grosjean combination.

C. Conclusion

Claims 1-32, subject to this appeal, are patentable for at least one of the reasons as set forth herein, or as articulated in the Appeal Brief, which is continually relied upon in this Appeal. Favorable action is solicited and a finding of patentability of claims 1-32 is respectfully requested.

Appellant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2191, under Order No. 101671.0007P from which the undersigned is authorized to draw.

Dated: February 9, 2010

Respectfully submitted,

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